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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

ORIGINAL

In the Matter of)
)
 PETITION FOR RULE MAKING)
 OF GLOBAL FRONTIERS, INC.)
)
 To Revise Title 47, Chapter I,)
 Parts 2 and 26, Code of Federal)
 Regulations, in Order To Reallocate)
 Frequencies to GWCS and Make)
 Related Changes)

RM No. _____

To: The Commission

PETITION FOR RULE MAKING

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To: The Commission

PETITION FOR RULE MAKING

Global Frontiers, Inc. ("Petitioner"), pursuant to §1.401 of the Commission's Rules, 47 CFR §1.401, submits this petition for rule making (the "Petition"). The purpose of the Petition is to initiate a rule making proceeding in which the Commission proposes revisions of Parts 2 and 26 of its rules that would (1) designate the 4940-4990 MHz band for the General Wireless Communications Service (GWCS) in lieu of the 4660-4685 MHz band now so designated, (2) make the service more attractive to applicants that require broadband capability in order to serve the public, (3) speed the process of licensing applicants that are not mutually exclusive, and (4) implement §309(j)(6)(E) of the Communications Act by offering applicants that are

mutually exclusive the opportunity to expedite service to the public by engineering solutions to their mutual exclusivity, arrived at through consultation and negotiation.

I. Summary

In April 1998, the Commission postponed a scheduled auction of GWCS frequencies in the 4660-4685 MHz band because of what its Chairman characterized as "an apparent lack of public demand" for licenses in that 25 MHz frequency band. FCC staff investigation, he said, had indicated that one reason for this lack of demand was the need of applicants for greater bandwidth.

In March 1999, the President advised the FCC through the Assistant Secretary of Commerce for Communications and Information that, as permitted by statute, the federal government was reclaiming for its use the GWCS frequencies and a contiguous 25 MHz band at 4635-4660 MHz, and was substituting as alternative spectrum for private use the 50 MHz band 4940-4990 MHz.

This action requires that the Commission revise Part 26, since the frequencies in the GWCS band are no longer available to the private sector. It also opens the opportunity for the Commission to make the GWCS more attractive to potential applicants by including in the service the full 50 MHz band of substitute frequencies, and revising its rules to afford greater bandwidth to applicants who wish to make use of that spectrum. Petitioner suggests other changes in Part 26, principal among them changes that will bring faster service to the public by implementing the statu-

tory mandate of the Commission to use engineering solutions and negotiation to avoid mutual exclusivity in its application and licensing proceedings.

II. Interest of the Petitioner

Petitioner is an Internet Service Provider ("ISP") located in the Portland, Oregon, Economic Area ("EA" Code 167, listed in 47 CFR §26.102(a)). Petitioner is interested in offering its customers in the Portland area, and eventually customers in other Economic Areas, a simple, economical and rapid means of downloading large files from the Internet. The speed by which such files can be downloaded is limited not only by the speed of the modem in the customer's computer but also by the speed of the connection between the modem and the ISP. The most common connection between modem and ISP is a telephone line.

Because of the limitations of most connections between computer modems and ISP's, customers downloading large files must often wait substantial periods of time to obtain their documents. Connections such as ISDN, xDSL and T1 that permit downloads at higher speeds than standard telephone lines are suitable for business but too expensive for the ordinary non-commercial consumer.

Petitioner has entered into an agreement with a French manufacturer under which it will be able to market and distribute in this country a terrestrial wireless transmission system that will permit consumers with a small horn-shaped antenna attached to their modems, pointed toward the ISP transmitter, to download files at

speeds that are substantially in excess of those permitted even by ISDN, xDSL and T1 connections.

This is one-way transmission only. The number of files that are downloaded by consumers exceeds by about 10-to-1 the number of files that are uploaded by consumers. Uploads would continue to utilize the usual connection between consumer and ISP. This system is presently in use, with excellent results, in France as well as in Cameroon, Kazakhstan and New Zealand. The technology also permits streaming video upon demand to ISP subscribers.

The system has not been introduced in this country because a service has not been available that will accommodate transmissions in the frequency range and with the bandwidths that are required. The 4940-4990 MHz frequency band that the President, acting through the Assistant Secretary of Commerce for Communications and Information, has substituted for 4635-4685 MHz previously dedicated to private use (the upper half of which was allocated under Part 26 of the Rules to the General Wireless Communications Service), would accommodate this important new public service if those frequencies were brought under Part 26 with certain modifications. The modifications would principally permit broader-band transmissions than the 15 MHz band limitation now imposed by Part 26 on potential users.

Petitioner will shortly file an application on FCC Form 442 seeking an experimental authorization to construct a facility in the Portland Economic Area with which it can demonstrate the feasibility and value to the public of this new enhance-

ment of consumer Internet use. The service, when authorized, will operate in the 4940-4990 MHz band utilizing a transmission bandwidth of 39 MHz.

III. Historical Background

The Omnibus Budget Reconciliation Act of 1993, in a section that is now codified as 47 USC §923, required the Secretary of Commerce to identify and recommend for reallocation to private use certain bands of frequencies that were then allocated for use by federal government departments and agencies. One of the frequency bands that the Secretary so identified, in early 1994, and that the President soon afterward made available to the FCC for allocation to the private sector, was the band 4635 to 4685 MHz. *Preliminary Spectrum Allocation Report*, U.S. Dept. of Commerce, NTIA Special Publication 94-27 (Feb. 1994).

After notice and opportunity for public comment, the Commission in February 1995 amended the Table of Frequency Allocations in §2.106 of its Rules to designate the upper half of this spectrum, 4660-4685 MHz, for use by non-governmental Fixed and Mobile services. *Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use*, ET Docket No. 94-32, FCC 95-47, First Report and Order and Second NPRM, 10 FCC Rcd 4769, 4840. In August 1995, the Commission adopted a new Part 26 of its Rules, creating a General Wireless Communications Service (GWCS) which would allow licensees to provide a range of Fixed or Mobile services. *Allocation of Spectrum Below 5 GHz transferred from Federal Government Use*, ET Docket No. 94-32, FCC 95-319, Second Report and Order, 11

FCC Rcd 624. It provided in the rules that this spectrum would be auctioned. Id. at 643, ¶44.

In December 1997, the Commission announced an auction to be held for the GWCS frequencies the following May, with applications due in late April. DA 97-2634. In January 1998, it issued a Public Notice seeking comment and suggestions regarding certain procedural aspects of the upcoming auction. DA 98-162. The period for comment expired in February 1998. No comments were filed.

Motivated by this indication of an absence of public interest, the Commission issued a Public Notice in April 1998 postponing indefinitely the GWCS auction. DA 98-792. The reasons for postponement were recited in a letter the day before the Public Notice, from the Chairman of the Commission to the Chairman of the Telecommunications Subcommittee of the House Commerce Committee, citing the "apparent lack of current public demand for licenses in the GWCS band." Copies of that two-page letter and its six-page enclosure are attached to this Petition as Exhibit No. 1.

In March 1999, acting pursuant to a section of the Omnibus Budget Reconciliation Act of 1993 that is now codified as 47 USC §924(b), the Assistant Secretary of the Department of Commerce for Communications and Information notified the Chairman of the FCC that the President was substituting the frequency band 4940-4990 MHz for the frequency band 4635-4685 MHz, which included the 4660-4685 GWCS band. This was based on a determination that loss of the spectrum being re-

claimed "would seriously jeopardize the national security interests of the United States." Copies of the one-page letter to the Chairman from the Assistant Secretary and a six-page enclosure entitled "Statement of Reasons" are attached to this Petition as Exhibit No. 2. Twelve additional pages, titled Annex A-D, accompanied the Statement of Reasons.

The current status, therefore, of the flexible Fixed and Mobile service created by the Commission under Part 26, called GWCS, is that the frequency band allocated to that service is no longer available for use in the private sector and little interest was shown in it while it was available. However, a substitute 50 MHz band located at 4940-4990 MHz has been made available by the President, in accordance with 47 USC §924(b), and could be allocated by the Commission to the GWCS through revisions to Part 26 of the Rules. The purpose of this Petition is to propose that this be done, and to suggest how it should be done in order to achieve the maximum public interest benefit.

A copy of a revised Part 26 of the Rules, "blacklined" against the existing rules, is attached as Exhibit No. 3 in order to show changes that Petitioner proposes (shaded text to show added language, strikeouts to show deleted language). Those changes are discussed in the succeeding section of this Petition. Also attached, as Exhibit No. 4, is a copy of a revised portion of the Table of Frequency Allocations in Part 2 of the Rules, §2.106, moving the services that now appear for the 4660-4685 MHz frequency band from the Non-Government to the Government column,

and dividing services that now appear in the 4800-4990 MHZ frequency band into two blocks so the band 4940-4990 appears in the Non-Government column, and inserting next to 4940-4990 MHZ in the column headed Rule part(s) a reference to GWCS (26). Footnote references are deleted or retained for each band so as to respect the radio astronomy sites that use the particular frequencies.

IV. Discussion of Proposed Rules Changes

A. **The Commission Should Substitute 4940-4990 MHZ
For the Present GWCS Frequency Band**

Wall Street financial analysts with whom the FCC staff consulted in early 1998 in an effort to determine the reason for the apparent lack of interest in the GWCS auction "suggested that one of the factors suppressing current demand for GWCS licenses is the small size of the spectrum block." See page 1 of the Chairman's letter, attached to this Petition as Exhibit No. 1, and page 3 of the letter's enclosure. The letter went on to say "FCC technical staff agree with that assessment."

Petitioner also agrees with that assessment. A 25 MHZ frequency band is inadequate for the new service that it wishes to introduce. Its transmitter requires a 39 MHZ bandwidth for optimum performance. It believes that many advanced telecommunications services would be excluded by a 25 MHZ bandwidth.

All 50 MHZ of the substituted bandwidth that have been made available by Presidential action for private non-governmental use should be allocated to GWCS.

That would further what the Commission has described as one of the "fundamental goals of the Telecommunications Act of 1996," that it "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans." See §706(a) of the Act, and *Inquiry Concerning the Deployment of Advanced Telecommunications Capability*, CC Docket No. 98-146, FCC 99-5, Report released Feb. 2, 1999, at ¶1. The term "advanced telecommunication capability" in the Act is recognized as requiring "broadband capability." *Id.* at ¶¶1, 4, and n.2. "The term 'broadband' is generally used to convey sufficient capacity--or 'bandwidth'--to transport large amounts of information." *Id.* at n.4.

The allotment of all 50 MHZ of the substituted bandwidth to ensure broadband capability in GWCS has been accomplished in §26.103 of Petitioner's proposed revised rules in Exhibit No. 3. The frequencies from 4940 to 4990 MHZ have been substituted for the 25 MHZ bandwidth that is presently referred to in §26.103 but has now been reclaimed for federal governmental use.

B. The Commission Should Relax the Channelization and Aggregation Restrictions on GWCS Bandwidth

In the notice of proposed rule making by which the Commission in February 1995 invited comment on the broad outlines of its contemplated new GWCS, it acknowledged that many of the likely users of the frequencies "require relatively wide bandwidth." See First Report and Order and Second NPRM, cited at p.5 *supra*, 10 FCC Rcd 4769 at 4806, ¶77. However, the Commission went on to say in

the same paragraph that, based on "available information" which it did not detail, it had tentatively concluded that "no licensee would need more than 15 megahertz in a single market area."

Though some of the companies that filed comments opposed this 15 MHz limitation, when the Commission adopted Part 26 in August 1995 it adhered to its tentative plan. It adopted for the 25 MHz of GWCS bandwidth a "channelization plan consisting of five 5 megahertz blocks" and an "aggregation limit of 15 megahertz of spectrum that may be obtained by a single entity." Second Report and Order, cited at p.6 *supra*, 11 FCC Rcd 624 at 644-45, ¶¶48-50.

The channelization in five 5 MHz blocks appeared in §26.103. The limit on any single entity aggregating more than three of those five blocks, effectively limiting the bandwidth of any service to 15 MHz in a single Economic Area, appeared in §26.101.

Petitioner believes that the 15 MHz limitation on bandwidth, if indeed it was appropriate in 1995, was no longer appropriate by 1998 when the GWCS frequencies were scheduled for auction. It believes the apparent lack of interest in that auction confirms the inappropriateness of the 15 MHz bandwidth limitation. It has proposed revising both §26.101 and §26.103.

Petitioner's proposed revised §26.103 would channelize the 4940-4990 MHz frequency band into five blocks of 10 MHz each instead of blocks of 5 MHz. It has

also added a definition of "Frequency Block" in §26.4, and has revised the reference to the GWCS frequency band in §26.53 so as to be consistent with the revised §26.103.

Petitioner's proposed revised §26.101 would limit any single entity to no more than four of the five 10 MHz blocks in a single EA, thus allowing an entity to aggregate a bandwidth of 40 MHz. That is, not coincidentally, the minimum number of channel blocks necessary to accommodate Petitioner's planned new service. But it is also a bandwidth that Petitioner deems at least realistic for the development of new broadband technologies by others. Compare the views of analysts surveyed by the FCC in bullet point no. 2 on page 3 of the Exhibit No. 1 enclosure.

Though Petitioner questions the need in the present climate of developing technology for *any* channelization, or at least any limitation on aggregation of channel blocks within an EA, and believes the public interest would be better served by *no* limitation, prohibiting a single entity from aggregating all five frequency blocks would preserve the assurance that seemed important to the Commission, when it adopted present Part 26, of an opportunity for at least two services in every EA. Those services would, however, likely be of different types if one of the services has the broadband capability that Petitioner will need, and that it thinks other advanced services bringing new benefits to the public with advanced telecommunications capability will also require.

C. The Commission Should Provide for Prompt Processing of Applications That Are Not Mutually Exclusive

Not every "short form" application filed for a GWCS authorization will be mutually exclusive with other applications. Part 26 of the Rules should recognize that and provide for prompt notice by the Commission to applicants that are the only ones seeking a given facility. This would permit prompt filing of long form applications by those "singleton" applicants. Prompt processing by the Commission would thus bring new service to the public at the earliest possible time.

The only section in Part 26 that deals with GWCS applications that are not mutually-exclusive is §26.316(a), which says that such applicants "will also file FCC Form 401." That is an apparent error since no such form is listed either on the FCC's web site or in its list of forms available by "Fax-on-Demand." Also, voice mail messages left with the Commission's Forms Distribution Center requesting a copy of Form 401 have produced no response. The reference in §26.316(a) to Form 401 has been deleted from Petitioner's proposed Part 26 in Exhibit No. 3.

Petitioner has added a proposed new §26.201(b)(1) in Exhibit No. 3 to expedite the processing of applications that are not mutually exclusive. It provides, which the present rules do not, for prompt notice by the Commission to any applicant for a frequency block or blocks in an EA found not to be mutually exclusive with any other applicant, for a request with that notice that the applicant submit a long form application, and for a prompt grant of the long form application once filed

if the Commission is able to make the eligibility and public interest determinations required by the rules.

D. The Commission Should Encourage Avoidance of Mutual Exclusivity through Negotiated Engineering Solutions

A major failing of the present GWCS rules, a failing which creates the potential for needless delay in new service to the public and makes the rules facially inconsistent with statute, is their failure to provide for negotiated engineering solutions to problems of mutual exclusivity. Moreover, late last year the rules were revised to incorporate into §26.205 the prohibition in §1.2105(c) of the general competitive bidding rules on cooperation, collaboration and discussion among applicants after their short form applications have been filed. *Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use*, ET Docket No. 94-32, FCC 98-212, Fourth Report and Order, Appx. C at p.3 (released Sept. 24, 1998). This effectively eliminated any possibility that such engineering solutions could be found.

Applicants should be *encouraged* to talk to each other, once those interested in a particular frequency block in an EA have been identified, to see if they cannot work out ways in which they can co-exist and bring both services to the public. These sorts of consultations already take place among applicants for satellite authorizations who at first filing are mutually exclusive. They should not only be permitted but encouraged among GWCS applicants.

Petitioner has proposed, in Exhibit No. 3, new §§26.201(b)(2) and (c) that require the Commission, promptly after the closing date for filing of applications for any frequency block in an EA, to identify for all applicants the names and addresses of all competing applicants so they can engage in consultation, discussion, collaboration and exchange of information for the purpose of determining whether mutual exclusivity can be avoided by engineering solutions. The proposed new rules provisions also establish a procedure for up to a 90-day delay in any auction upon request of applicants, to permit such consultations, and for a determination by the Commission upon information submitted by the applicants whether mutual exclusivity has been avoided so that all applications can be granted. Cross references to the new provisions of §26.201 have been added to §§26.304, 26.316, 26.319 and 26.321.

The Commission has an obligation under the Communications Act to help applicants avoid mutual exclusivity through "negotiation" and "engineering solutions." Petitioner's new §§26.201(b)(2) and (c) in Exhibit No. 3 recognize that obligation and provide a means by which it can be discharged. In fact, unless and until that obligation is discharged, the statute confers no right on the Commission to grant a license through competitive bidding.

Subsection (j) of §309 of the Communications Act, titled "Use of competitive bidding," is the statute from which the Commission derives its power to award licenses through competitive bidding. It was added to the Communications Act by the Omnibus Budget Reconciliation Act of 1993. Under a heading in the first para-

graph titled "General authority," Subsection(j) granted the Commission the power to select among qualified but mutually exclusive applicants "through the use of a system of competitive bidding *that meets the requirements of this subsection*" (emphasis added). It stated in relevant part:

"General authority. If mutually exclusive applications are accepted for filing for any initial license or construction permit ... the Commission shall have the authority ... to grant such license or permit to a qualified applicant through the use of a system of competitive bidding that meets the requirements of this subsection."

Thus, it conferred no power to use competitive bidding except as the exercise of that power meets the requirements of Subsection (j). One of those requirements is an "obligation" by the Commission to "avoid mutual exclusivity" through the use of "engineering solutions" and "negotiation." See ¶(6)(E) of Subsection (j):

"(6) Rules of construction. Nothing in this subsection, or in the use of competitive bidding, shall--

" ...

"(E) be construed to relieve the Commission of the obligation in the public interest to continue to use engineering solutions, negotiation, threshold qualifications, service regulations, and other means in order to avoid mutual exclusivity in application and licensing proceedings."

In the Balanced Budget Act of 1997, Congress amended Subsection (j) of §309 of the Communications Act to make the use of competitive bidding procedures for the award of licenses to mutually exclusive applicants mandatory in most in-

stances, instead of permissive only. However, in doing so, it made even more plain that had the 1993 Act that this power is limited by the obligation imposed by paragraph (6)(E) to seek to avoid mutual exclusivity through negotiation and engineering solutions. The General Authority paragraph was amended to read in relevant part:

"General authority. If, *consistent with the obligations described in paragraph (6)(E)*, mutually exclusive applications are accepted for filing for any initial license or construction permit ... the Commission shall grant the license or permit to a qualified applicant through a system of competitive bidding that meets the requirements of this subsection" (emphasis added).

The language here italicized made clear that Congress was focused even more strongly than in 1993 on holding the Commission to its obligation to seek to avoid mutual exclusivity through negotiations and engineering solutions. The Conference Report that accompanied the 1997 Act (H.R. Conf. Rep. No. 105-217, 105th Cong., 1st Sess., at 572) stated:

"[T]he conferees emphasize that, notwithstanding its expanded auction authority, the Commission must still ensure that its determinations regarding mutual exclusivity are consistent with the Commission's obligations under section 309(j)(6)(E). The conferees are particularly concerned that the Commission might interpret its expanded competitive bidding authority in a manner that minimizes its obligations under section 309(j)(6)(E), thus overlooking engineering solutions, negotiations, or other tools that avoid mutual exclusivity."

As recently as March of this year, the FCC recognized this expression of concern by the Congressional conferees "that the Commission not interpret its expanded

auction authority in a manner that overlooks engineering solutions or other tools that avoid mutual exclusivity." *Implementation of §§309(j) and 337 of the Communications Act*, WT Docket No. 99-87, FCC 99-52, 14 FCC Rcd 5206, 5220 ¶19 (1999).

E. The Commission Should Permit Avoidance of Mutual Exclusivity through Geographic Partitioning

One way, though by no means the only way, to resolve problems of mutual exclusivity through negotiation and engineering solutions is by geographical partitioning of the territory within an EA. At present, partitioning is limited by the GWCS Rules to rural telephone companies. 47 CFR §26.209.

More than four years ago in February 1995, suggesting the broad outlines for a new GWCS, the Commission proposed to permit all licensees with Commission approval to partition their service areas geographically. First Report and Order and Second NPRM, cited at p.5 *supra*, 10 FCC Rcd 4769 at 4808, ¶80. Though the rules adopted in Part 26 did not so provide, three years ago in December 1996 the Commission issued another NPRM in which it suggested that "allowing more open partitioning of GWCS licensees may add flexibility to the service and allow the spectrum to be used more efficiently." *Geographic Partitioning and Spectrum Disaggregation*, WT Docket No. 96-148, FCC 96-474, Report and Order and Further NPRM, 11 FCC Rcd 21831 at 21876 ¶96. One year ago, in November 1998, the Commission denied a petition to allow partitioning by all GWCS licensees saying that the issue would be resolved in the 1996 proceeding. *Allocation of Spectrum*

Below 5 GHz Transferred from Federal Government Use, Memorandum Opinion and Order, ET Docket No. 94-32, FCC 98-212 at ¶20. Now, yet another year later, the issue should finally be resolved in the public interest. Petitioner has included in its proposed revised §26.201 a provision allowing applicants to resolve problems of mutual exclusivity by geographic partitioning. It has made appropriate revisions in §26.209 to delete (1) the limitation of geographic partitioning to rural telephone companies and (2) the unnecessary limitation of partitioning to county lines or other geopolitical boundaries where different boundaries can be identified and approved.

F. The Commission Should Clarify How GWCS
"Long Form" Applications Are To Be Filed

Though it is clear from Part 26 (§§26.304(b) and 26.305(a)) that the initial "short form" applications filed by GWCS applicants are to be on FCC Forms 175 and its supplement, Form 175-S, it is anything but clear what "long form" is to be used by applicants who have been determined not to be mutually exclusive with other applicants, or who are the successful bidders in an auction.

As already mentioned at page 12, §26.316(a) says that an applicant not mutually exclusive shall file a Form 401, a form that does not appear to exist. Throughout Part 26, there are references to a "Form XXX" that clearly does not exist. See §§26.304(b), 26.305(b) and 26.316(a). That is presumably because, at the time those rules were adopted in 1995, it had not yet been decided what form to use for GWCS "long form" applications.

Section 26.317(b) originally referred to Form XXX, but it was amended in 1998 to refer to "Form 601" as the form to be filed "either by a winning bidder or by an applicant whose Form 175 application is not mutually exclusive with other applicants." See Fourth Report and Order cited on page 13, Appx. C at p.4. Presumably, therefore, by 1998 the Commission had decided that Form 601 would be used for GWCS "long form" applications, even though it did not delete the references to "Form XXX" where they appeared elsewhere in Part 26.

It is possible that Form 601 is not the appropriate form. While page 2 of the Form 601 Instructions says that the Wireless Telecommunications Bureau services using the form include General Wireless Communications Services, and page 6 of the Instructions provides a "Radio Service Code" for GWCS, there is no mention in the form or the instructions of Part 26 of the Rules. There is, on the other hand, specific reference to Parts 22, 74, 80, 87, 90 and 101, which pertain to other services.

Lacking, however, any further guidance, Petitioner has substituted Form 601 in its proposed revision of Part 26 (in Exhibit No. 3) for Form XXX wherever it appears, and has substituted the title of Form 601 ("FCC Application for Wireless Telecommunications Bureau Radio Service Authorization") for the variant titles of Form XXX that appear in §§26.305(b) and 26.316(a).

Petitioner has deleted from §§26.304(b) and 26.305(c) the sentence saying "GWCS applicants filing Form XXX need not complete Schedule B," since Schedule B to Form 601 seems to be the only schedule that is arguably applicable to the

GWCS. Whatever form is used, the important thing is that the "long form" application demonstrate that the applicant and the GWCS it proposes meet the requirements of Part 26, notably §§26.3, 26.12, 26.51-55 and, if applicable, 26.209.

V. Conclusion

For the reasons stated, Petitioner urges the Commission promptly to issue a notice of proposed rule making inviting comments on revisions of Parts 2 and 26 of the Rules in accord with those suggested in this Petition, which would incorporate the 4640-4690 MHz frequency band into the General Wireless Communications Service with modifications that would allow the introduction of broader band technologies, expedite new service to the public by streamlining the processing and grant of non-mutually applications, and encourage and facilitate applicants who have filed mutually-exclusive applications to resolve their mutual exclusivity where possible through negotiation leading to engineering solutions.

Respectfully submitted,

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CERTIFICATE OF SERVICE

There are no Commission licensees or permittees whose channel assignment would be changed by a grant of this petition. See §§1.401(d) and 1.420(f) of the FCC Rules, 47 CFR §§1.401(d) and 1.420(f).



Sidney White Rhyne